

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-LRL

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

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NOTICE OF MOTION TO FILE DOCUMENTS UNDER SEAL

Plaintiff CSX Transportation, Inc. (“CSXT”), by counsel, hereby provides notice, pursuant to Local Rule 5(C), that it has moved the Court to seal portions of its unredacted Opposition to Defendant Norfolk & Portsmouth Beltline Railroad Company’s (“NPBL”) Motion to Compel, together with the exhibit thereto, because they contain and/or reference information that CSXT, NPBL, or Defendant Norfolk Southern Railway Company (“NS”) have indicated is “Confidential” or “Confidential – Attorneys Eyes Only” under the Stipulated Protective Order entered in this matter. *See* ECF No. 79.¹ These documents contain highly confidential and sensitive information relating to the Parties’ internal strategy and business decisions regarding the Port of Virginia and Defendant NPBL, and other highly confidential, proprietary, and sensitive business information,

¹ CSXT’s Opposition discusses and characterizes the substance of accompanying Exhibit 1, as well as Exhibits to NPBL’s previously filed Motion to Compel (*see* ECF No. 200) and its Memorandum in Support of its Motion to Compel (ECF No. 201) which are the subject of NPBL’s July 24, 2020, Motion to Seal (ECF No. 197). CSXT has noted that it does not object to NPBL’s Motion to Seal and joins NPBL in its sealing request. *See* ECF No. 209.

release of which could harm the Parties.

Any party or non-party may submit memoranda in support of or in opposition to this Motion within seven (7) days designating all or part of such memoranda as confidential. Any information designated as confidential in a supporting or opposing memoranda will be treated as sealed pending a determination by the Court on the Motion to Seal. Any person objecting to this Motion must file an objection with the Clerk within seven (7) days after the filing of this Motion. If no objection is filed in a timely manner, the Court may treat the Motion as uncontested.

Dated: August 7, 2020

Respectfully submitted,

CSX TRANSPORTATION, INC.

By Counsel

/s/ Robert W. McFarland

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CERTIFICATE OF SERVICE

I certify that on this 7th day of August, 2020, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Robert W. McFarland

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